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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,573	07/13/2001	John Aram Safa	SWIN 2275	2842

7812 7590 10/23/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/905,573	SAFA, JOHN ARAM
	Examiner	Art Unit	
	Matthew T. Henning	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27-29,31-44 and 46-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27-29,31-44 and 46-50* is/are rejected.

7)☒ Claim(s) *43,44 and 46-48* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

1   This action is in response to the communication filed on 8/22/2006.

2   **DETAILED ACTION**

3   *Response to Arguments*

4   Applicant's arguments, filed 8/22/2006, with respect to the rejection(s) of claim(s) 27-29,

5   31-44, and 46-50 under 35 USC 103(a) have been fully considered and are persuasive.

6   Therefore, the rejection has been withdrawn. However, upon further consideration, a new

7   ground(s) of rejection is made in view of Altberg et al. (US Patent Number 6,353,928).

8   Although the examiner had previously stated that Altberg did not disclose all of the

9   application requirements on a computer readable medium, after further consideration of the

10 Altberg patent, as shown below, the examiner believes that Altberg does meet all the limitations

11 of the current claim language.

12   All rejections and objections not set forth below have been withdrawn.

13   Claims 1-26, 30, and 45 have been cancelled and claims 27-29, 31-44, and 46-50 have

14 been examined.

15   *Claim Objections*

16   Claims 43-44, and 46-48 are objected to because of the following informalities: Claim

17 43 has "numbered" each step which is unnecessary and somewhat confusing. As such the

18 numbering should be removed. Appropriate correction is required.

19   *Claim Rejections - 35 USC § 112*

20   The following is a quotation of the second paragraph of 35 U.S.C. 112:

21 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
22 subject matter which the applicant regards as his invention.
23

1   Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

2   failing to particularly point out and distinctly claim the subject matter which applicant regards as

3   the invention. Claim 31 recites the limitation "the address table" in line 3. There is insufficient

4   antecedent basis for this limitation in the claim.

5   *Claim Rejections - 35 USC § 102*

6   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

7   basis for the rejections under this section made in this Office action:

8   A person shall be entitled to a patent unless –

9   (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
10   in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
11   patent by another filed in the United States before the invention by the applicant for patent, except that an
12   international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
13   subsection of an application filed in the United States only if the international application designated the United
14   States and was published under Article 21(2) of such treaty in the English language.
15

16   Claims 27-28, 32, 35-38, 40, 42-44, 46, and 48-49 are rejected under 35 U.S.C. 102(e) as

17   being anticipated by Altberg et al. (US Patent Number 6,353,928) hereinafter referred to as

18   Altberg.

19   Regarding claim 27, Altberg disclosed a computer readable medium having an executable

20   application recorded thereon (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43), the

21   executable application comprising a program (See Altberg Fig. 2 Element 205 and Col. 6 Lines

22   41-43), one or more encrypted sub-routines (See Altberg Fig. 2 Element 220 File 1 – File N and

23   Col. 6 Lines 1-3 and Col. 7 Lines 18-20), and a decryption routine (See Altberg Col. 7 Lines 21-

24   25), wherein the program is executed in response to execution of the executable application by a

25   computer system (See Altberg Col. 6 Lines 50-54), the program requires access to the sub-

26   routines during execution (See Altberg Col. 6 Lines 63-65), and the decryption routine is

27   operable to detect whether a required sub-routine is already available within the computer system

1   (See Altberg Col. 7 Lines 7-10), to cause the program to use the sub-routine within the computer

2   system if already available (See Altberg Col. 7 Lines 26-35), and to decrypt the required

3   encrypted sub-routine into an executable form if the sub-routine is not already available within

4   the computer system (See Altberg Col. 7 Lines 13-25), at least when access to the sub-routine is

5   required by the program (See Altberg Col. 7 Lines 13-25).

6   Regarding claim 37, Altberg disclosed a computer system operable to execute an

7   executable application, the system including: first store means containing computer readable

8   code representing the executable application (See Altberg Fig. 2 Element 205 and Col. 6 Lines

9   41-43); second store means containing computer readable code representing one or more sub-

10 routines (See Altberg Fig. 2 Element 215 and Col. 6 Paragraph 1); loading means operable to

11 load the code of the executable application for execution (See Altberg Col. 6 Lines 50-65), the

12 executable application comprising: a program which requires access to one or more sub-routines

13 during execution (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43), the sub-routines

14 required by the program in encrypted form (See Altberg Fig. 2 Element 220 File 1 – File N and

15 Col. 6 Lines 1-3 and Col. 7 Lines 18-20); identifying means operable to identify the sub-routines

16 required by the program during execution thereof (See Altberg Col. 7 Lines 7-10); and second

17 loading means operable to load from the second store means the sub-routines identified by the

18 identifying means (See Altberg Col. 7 Lines 26-35) and to decrypt and load one or more

19 encrypted sub-routines in the event that sub-routines identified by the identifying means are not

20 contained in the second store means (See Altberg Col. 7 Lines 13-25).

21   Regarding claim 43, Altberg disclosed a method of installing a piece of computer

22 software, comprising: providing an executable application which includes a program, one or

1   more encrypted sub-routines, and a decryption routine operable to decrypt the encrypted sub-

2   routines into an executable form, wherein the program requires access to the sub-routines during

3   execution and the decryption routine decrypts the encrypted sub-routines into an executable form

4   at least when access is required by the program (See the rejection of claim 27 above), installing

5   the executable application (See Altberg Col. 6 Lines 50-52), commencing execution of said

6   program (See Altberg Col. 6 Lines 63-65), operating the decryption routine to decrypt the

7   encrypted copy of the sub-routines (See Altberg Col. 7 Lines 13-25), and installing the decrypted

8   copies of the sub-routines for access by said program (See Altberg Col. 7 Lines 13-25).

9   Regarding claim 49, Altberg disclosed a computer readable medium having an executable

10   application recorded thereon, the executable application comprising a program, one or more

11   encrypted sub-routines, and a decryption routine, wherein the program is executed in response to

12   execution of the executable application, the program requires access to the sub-routines during

13   execution, and the decryption routine is operable to decrypt the encrypted sub-routines into an

14   executable form at least when access to the sub-routines is required by the program (See the

15   rejection of claim 27 above), and wherein the one or more sub-routines are shared sub-routines

16   that may be accessed by a further program when decrypted (See Altberg Col. 7 Paragraph 1).

17   Regarding claims 28, 38, and 44, Altberg disclosed that the decryption routine is

18   executed whenever the program is executed (See Altberg Col. 6 Lines 50-54).

19   Regarding claims 32, 40, and 46, Altberg disclosed that the decryption routine is operable

20   to discriminate between different versions of a sub-routine and to decrypt an encrypted copy of a

21   sub-routine in the event that the version of the encrypted sub-routine differs from the version of

22   the sub-routine available within the system (See Altberg Abstract).

1   Regarding claims 35, 42, and 48, Altberg disclosed that the encryption and decryption

2   include or consist of compression or decompression techniques (See Altberg Col. 7 Lines 13-25).

3   Regarding claim 36, see the rejection of claim 27 above.

4   *Claim Rejections - 35 USC § 103*

5   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

6   obviousness rejections set forth in this Office action:

7   *A patent may not be obtained though the invention is not identically disclosed or*
8   *described as set forth in section 102 of this title, if the differences between the subject matter*
9   *sought to be patented and the prior art are such that the subject matter as a whole would have*
10   *been obvious at the time the invention was made to a person having ordinary skill in the art to*
11   *which said subject matter pertains. Patentability shall not be negatived by the manner in which*
12   *the invention was made.*
13

14   Claims 29, 31, 39, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over

15   Altberg as applied to claim 27 above, and further in view of Caron et al. (US Patent Number

16   5,586,328), hereinafter referred to as Caron.

17   Altberg disclosed use of shared sub-routines in an application and installation of any

18   shared sub-routines not already available (See the rejection of claim 27 above) but failed to

19   specifically disclose how the shared sub-routines are located during runtime of the program.

20   Caron teaches that during initialization of an application an entry in an address table

21   should be made to identify the location of a sub-routine, the address table being accessible by the

22   program for locating sub-routines for access when required (See Caron Col. 12 Line 66 – Col. 13

23   Line 27).

24   It would have been obvious to the ordinary person skilled in the art at the time of

25   invention to employ the teachings of Caron in the installation system of Altberg by populating an

1   address table with the locations of the required files. This would have been obvious because the

2   ordinary person skilled in the art would have been motivated to provide a means for the

3   application to located the required files during execution.

4   Claims 33-34, 41, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over

5   Altberg as applied to claim 27 above, and further in view of Shen (US Patent Number

6   6,611,850).

7   Altberg disclosed installation and execution of an application in which missing required

8   files are installed (See Rejection of claim 27 above) but failed to disclose providing an encrypted

9   backup copy of the application to be decrypted and installed in the event that the original

10   application was missing or determined to be corrupt.

11   Shen teaches a method for protecting files by providing a backup encrypted copy of the

12   file which is decrypted in the event that that original file is missing or corrupt (See Shen Col. 3

13   Lines 5-24).

14   It would have been obvious to the ordinary person skilled in the art at the time of

15   invention to employ the teachings of Shen in the installation system of Altberg by creating an

16   encrypted backup file of the application and using the backup to restore the application in the

17   event that the file was found to be missing or corrupt. This would have been obvious because

18   the ordinary person skilled in the art would have been motivated to provide protection against

19   accidental deletion of the application, malfunction, or infection by a computer virus.

20   *Conclusion*

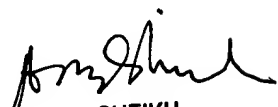21   Claims 27-29, 31-44, and 46-50 have been rejected.

1   Any inquiry concerning this communication or earlier communications from the

2   examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.

3   The examiner can normally be reached on M-F 8-4.

4   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

5   supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the

6   organization where this application or proceeding is assigned is 571-273-8300.

7   Information regarding the status of an application may be obtained from the Patent

8   Application Information Retrieval (PAIR) system. Status information for published applications

9   may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

10 · applications is available through Private PAIR only. For more information about the PAIR

11   system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

12   system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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21   Assistant Examiner
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